

BOB MILLER
October 31, 2013

Job No. 15254

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOSE S. GARZA)
)
VS.) C.A: H-4:12-CV-03532
) JURY
NATIONAL OILWELL VARCO,)
LP)

ORAL DEPOSITION OF

BOB MILLER

OCTOBER 31, 2013

VOLUME 1

* * * * *

ORAL DEPOSITION of BOB MILLER, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on the 31st day of October, 2013, from 10:06 a.m. to 11:40 a.m., before Lana Sholders, CSR in and for the State of Texas, reported/recorded by machine shorthand, at the offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 400 Dallas, Suite 3000, Houston, Texas, pursuant to the Federal Rules of Civil Procedure.



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BOB MILLER,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. COSTEA:

Q. Please state your full name?

A. Bobby Jay Miller.

Q. Mr. Miller, my name is Peter Costea and I am an attorney and I thank you very much for showing up here today. I understand a couple of weeks ago, maybe a month ago or so you've been subpoenaed, correct?

A. Yes.

Q. We're going to start out by looking at some documents today.

(Exhibit No. 1 marked.)

Q. (By Mr. Costea) The first document we are going to look at has a label on it. It's Exhibit No.

1. Do you see the label on it?

A. Yes.

Q. The sticky. You will also see that the documents or most of the documents you are going to look at today also have numbers right at the bottom of the page. For instance, page 1 of Exhibit No. 1 has a number of NOVJFG341. Do you see that?

A. Yes.

Q. And occasionally throughout our conversation

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today I might reference documents by exhibit number and then also by the number, the number at the bottom of the page. Let's start with the first page of Exhibit No. 1. It's Job Skills Inventory for a person by the name of Steven Hunt; right?

A. Yes.

Q. Were you employed by National Oilwell Varco as of August of 2008?

A. Yes.

Q. What was your position?

A. What was my position?

Q. Yes, sir.

A. Manufacturing -- I think National used the term production manager.

Q. How long have you worked for National Oilwell Varco, NOV, in all?

A. If I can recall the year, I think it was '99 during the acquisition of Continental Emsco and National.

Q. You said Continental Esco?

A. Continental Emsco, E-m-s-c-o.

Q. E-m?

A. S-c-o and I was under the oil state industry division which was part of Emsco at the time.

Q. But you have been an employee of NOV since

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<p>1 approximately 1999? 2 A. Yes. 3 Q. And as of 2008 NOV employed you as its 4 production manager, right? 5 A. Yes. 6 Q. At the FM 529 location? 7 A. Yes. 8 Q. Could you please tell me as of August of 9 2008 what a job skills inventory was or the relevance 10 of this document at NOV, page 1 of Exhibit No. 1? 11 A. Say that question again. 12 Q. Yes. What was the relevance, what was the 13 rationale for a job skills inventory at NOV in August 14 of 2008? 15 MS. WHITE: Objection. Form. 16 A. I don't recall. 17 Q. (By Mr. Costea) Do you know 18 Mr. Steven Hunt? 19 A. I do recall the gentleman. 20 Q. Has he ever reported to you? 21 A. Yes, he did. 22 Q. In 2008? 23 A. Yes. 24 Q. And in 2008 when he started reporting to 25 you, were you production manager?</p>	<p>1 A. In a formal letter. 2 Q. Do you still have that letter? 3 A. Yes, I do. 4 Q. Do you recall who signed that letter? 5 A. No, I don't recall. I couldn't say for 6 sure. 7 Q. As the production manager in 2009, did you 8 have the authority to hire or fire employees? 9 A. Yes. 10 Q. Did you have the authority to discipline 11 employees? 12 A. Yes. 13 Q. Did you have the authority to give them 14 raises? 15 A. Yes. 16 Q. Okay. 17 A. Let me clarify that. I could submit a 18 request for an increase. 19 Q. Okay. For raises. Fair enough. 20 A. To my supervisor. 21 Q. And who was your supervisor in 2009? 22 A. Richard Urquhart. 23 Q. You said Earnhardt? 24 A. Urquhart. 25 Q. And what was his job with NOV at that point</p>
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<p>1 A. Yes, I was. 2 Q. How long did you stay employed with NOV? 3 A. I took the retirement package that they 4 offered and retired in 2009. I think it was May, if I 5 recall. 6 Q. Okay. May of 2009. How long in advance of 7 May of 2009 did you know that you were about to retire 8 or offered early retirement? 9 A. I don't recall exactly. I think it was the 10 early part of the year. I know there was -- some 11 individuals left earlier. I was retained to the very 12 end of the -- of their package deal that they offered, 13 but I don't recall what month. 14 Q. How old were you at that time? 15 A. Let me do my math here. 16 Q. Just give me the year of your birth. 17 A. '44. I was born in '44. 18 Q. So you're about -- 19 A. September of '44. 20 Q. So you were about 65? 21 A. 64, I think. 22 Q. And how was the early retirement 23 communicated to you or the possibility of early 24 retirement communicated to you in the early part of 25 2009?</p>	<p>1 in time? 2 A. He was plant manager, I think was probably 3 the formal title. 4 Q. Plant manager at the FM -- 5 A. FM 529 facility. 6 Q. -- 529? And as of the early part of 2009, 7 did you know a person by the name of Jose Garza? 8 A. Yes. 9 Q. Did Mr. Garza and Mr. Hunt work in the same 10 division, the same group? 11 A. They worked in the assembly department in 12 different areas. 13 Q. Did they have the same supervisor? 14 A. No. 15 Q. As of -- 16 A. Could I clarify that? 17 Q. Please. Absolutely. 18 A. We worked in teams. There was pump teams, 19 draw works team, and additional teams but for the 20 clarity of this, Mr. Garza worked in the pump team. 21 Mr. Hunt was in the draw works division or the teams, 22 but it was not uncommon as work would dictate to move 23 people from one team to the other to work with 24 additional people. To explain the pump deal, you 25 could move somebody out of the draw works division to</p>

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1 Q. Going on to the next page, we see an
2 employee data form with a date at the bottom of the
3 page of 12-12-2008 signed by Bill Butler and it
4 reflects a salary change for Mr. Hunt and the
5 rationale is conversion from NOV temp to regular
6 employee, right?
7 A. Correct.
8 Q. And that obviously jives with what you just
9 told me, correct?
10 A. Yes.
11 Q. I am -- towards the top of the page right
12 below Mr. Steven -- well, his full name, I guess, is
13 Steven Bishop Hunt, we see a date of birth of October
14 the 5th, 1978. Do you see that?
15 A. Yes.
16 Q. So he appeared to be a young man to you --
17 MS. WHITE: Objection. Form.
18 Q. (By Mr. Costea) -- Mr. Hunt?
19 A. I see his date of birth.
20 Q. Right. October the 5th, 1978. Do you see
21 that?
22 A. Yes.
23 Q. Going on to the next page of that same
24 exhibit, I see a corrective action document given to
25 Steven Hunt by you with a date of the incident of

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1 March 24, 2009, correct?
2 A. Yes.
3 Q. Did you fill out this form, Mr. Miller?
4 A. Yes.
5 Q. And did you do so on March 24th, 2009?
6 A. Yes.
7 Q. Did someone instruct you to prepare this
8 corrective action report on Mr. Hunt?
9 A. No one instructed me. Somebody made a
10 complaint to me, and I would have took the action on
11 myself.
12 Q. And did you show this corrective action
13 report to Mr. Hunt himself?
14 A. Yes.
15 Q. Now, the reason for the action that's
16 identified there is "violation of company policy or
17 procedure," right? What company policy or procedure
18 did he violate on March 24, 2009?
19 A. Well, it states that he was engaged in
20 horseplay and inappropriate behavior. So that was the
21 policy that was not acceptable.
22 Q. What type of horseplay did he engage in?
23 A. I don't recall whether it was jokingly or, I
24 mean, I just don't recall.
25 Q. What was the inappropriate behavior?

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1 A. What would be?
2 Q. Yes, sir.
3 A. We didn't tolerate playing jokes. We didn't
4 tolerate, if I classify horseplay of child type
5 behavior, throwing things. You know, it's -- it's a
6 business environment and you're to conduct yourself
7 accordingly. For me to describe everything, I
8 couldn't go into every detail.
9 Q. Right. So you're saying to me that you
10 cannot actually factually substantiate the horseplay
11 and inappropriate behavior that resulted in this
12 corrective action report?
13 MS. WHITE: Objection. Form.
14 A. I can't tell you what action was on this
15 particular incident. I don't recall.
16 Q. (By Mr. Costea) You don't recall the
17 incident, you don't recall any facts you're telling
18 me?
19 MS. WHITE: Objection. Form.
20 A. I don't recall the facts. I mean, I see the
21 document; and I know that something was reported to me
22 that I saw a need to discuss it with him.
23 Q. (By Mr. Costea) Who reported the horseplay
24 and inappropriate behavior to you?
25 A. I don't recall.

Page 25

1 Q. Was it a man, or was it a woman?
2 A. I don't recall.
3 Q. Was it Mr. Garza?
4 A. I don't recall.
5 Q. Was it Mr. Butler?
6 MS. WHITE: Objection. The witness has
7 answered that he doesn't recall.
8 Q. (By Mr. Costea) Mr. Miller, I'm trying to
9 jog your memory. It's important for my case.
10 Otherwise, I could finish this testimony in five
11 minutes and go home.
12 A. Well, I understand what you're saying and it
13 could even be that I could be walking through the shop
14 and see him, you know, throw something or grab
15 somebody or, you know, to hug them or whatever. I
16 don't know but I can't recall this particular instance
17 but I know there was something or I wouldn't have
18 brought him in and discussed it with him.
19 Q. Yeah. But your memory seems to be fairly
20 sharp that about six months before you trained him in
21 sexual harassment?
22 MS. WHITE: Objection. Form.
23 A. Yeah, because that was policy.
24 Q. (By Mr. Costea) Well, it was policy; but
25 I'm asking you for a fact: Did you train him on

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<p>1 sexual harassment on 9-4-2008 or you are saying to me 2 "Probably I did because that's policy?" 3 MS. WHITE: Objection -- 4 Q. (By Mr. Costea) I want to know for a fact: 5 Did you train him in sexual harassment on September 6 the 4th of 2008? 7 MS. WHITE: Objection. Form. Asked 8 and answered. Argumentative. 9 You can answer. 10 A. I would say, yes, I did because that's 11 normal -- it's an important factor to me as well as to 12 the work place that I would have talked to him about 13 that. 14 Q. (By Mr. Costea) Do you have an 15 understanding as to what this case is all about, 16 Mr. Garza's case? Do you know what he's alleging in 17 this lawsuit? 18 A. I was informed why I was under subpoena, 19 yes. 20 Q. Yeah. What did you learn? 21 A. That he had filed suit because he was 22 wrongfully terminated due to the fact that he had 23 filed or took action against Steven Hunt on sexual 24 harassment. That he had filed a complaint, and that 25 he was unlawfully terminated.</p>	<p>1 this document, right? 2 A. Yes. 3 Q. Where did you get the form from? 4 A. They're online. 5 Q. They are online. Okay. And where did you 6 office? 7 A. Where did I office? 8 Q. Yes. 9 A. FM 529 facility. 10 Q. Right. But where? 11 A. In the front. As you come in the front door 12 to the right at the end of the office. 13 Q. Okay. 14 A. End of the hallway. 15 Q. So on March 24th somebody informed you of 16 some horseplay or inappropriate behavior and that on 17 the same day you went online and -- I mean, snatched 18 this form and filled it out and on the same day you 19 gave it to Mr. Hunt to sign? 20 MS. WHITE: Objection. Form. 21 Q. (By Mr. Costea) Everything happened on the 22 24th of March of 2009, right? 23 A. I would look at the document and say that it 24 was the 24th that I filled out this document. 25 Q. Sir?</p>
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<p>1 Q. So given the understanding that you have 2 about this lawsuit, I'm going back to the write-up 3 that you gave to Mr. Hunt on March 24th, 2009 and I'm 4 trying to figure out the best way you can what the 5 horseplay and the inappropriate behavior was. Did 6 that in any way relate to comments of a sexual nature, 7 foul mouth, inappropriate touching specifically of 8 that nature? 9 MS. WHITE: Objection. Form. 10 A. I can't recall this date and anything. 11 Q. (By Mr. Costea) When you gave this 12 corrective action report to Mr. Hunt, did you do so in 13 the presence of a witness? 14 A. I cannot tell you that I did on this 15 particular date, but it was general policy that I 16 would have their group leader presence during 17 corrective actions. 18 Q. And you presented this document to Mr. Hunt 19 for signature on March 24th, 2009? 20 A. Yes. 21 Q. Where did you give it to him? In your 22 office, in the shop? 23 A. It would have either been in my office or in 24 one of our conference rooms. 25 Q. And I take it that you yourself typed up</p>	<p>1 A. That I filled out this document. 2 Q. You say that in the -- you see where it says 3 "Description of the incident," it says complete -- 4 "Provide a complete and concise description of the 5 circumstances that caused the issuance of this 6 warning. Be as specific as possible including names, 7 dates, times, and locations," right? 8 A. Yes. 9 Q. And you did not comply with that 10 requirement, did you? 11 MS. WHITE: Objection. Form. 12 Q. (By Mr. Costea) You provided no names, no 13 dates, no times, no locations, did you? 14 MS. WHITE: Objection. Form. 15 Argumentative. 16 A. Well, the date is the date that's on the 17 report. The name is the individual's name. The 18 date's on the report. There is no time on here, but 19 the location is on there FM 529 facility. 20 Q. Well, you were asked to substantiate the 21 incident by providing names, dates when the events 22 happened, the times, and the locations and you do not 23 give the name of the person that complained about him, 24 you do not identify the nature of the complaint, you 25 do not provide the facts, do you?</p>

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<p>1 MS. WHITE: Objection. Form. 2 Argumentative and assumes facts not established. 3 Q. (By Mr. Costea) Mr. Miller, I am -- 4 A. This -- 5 Q. Go ahead. 6 A. This does not necessarily say that somebody 7 filed a complaint. As I told you earlier, I could 8 have witnessed something that -- 9 Q. I'm trying to figure out what you witnessed, 10 Mr. Miller. 11 A. As I told you earlier, it could have been 12 numerous things. 13 Q. Fair to say you do not recall? 14 A. I do not recall. 15 Q. Under corrective action to be taken, you say 16 that he has to improve immediately, right? 17 A. Yes. 18 Q. I don't see Mr. Hunt signing this corrective 19 action report, do you? 20 A. It was not required. The form is presented 21 to the employees. They could either sign the form or 22 they could disagree and not sign it. 23 Q. Well, the box "I agree with this warning" or 24 "I disagree with this warning" is not checked, right? 25 A. Correct.</p>	<p>1 Q. Are you speculating, or are you giving me a 2 fact? 3 A. It would be speculation. I do not recall. 4 Q. So you're saying that a plant where you 5 have, I don't know, maybe hundreds of employees nobody 6 was available to witness you giving this corrective 7 action notice to Mr. Hunt? 8 MS. WHITE: Objection. Form. 9 Argumentative. The witness has testified he doesn't 10 recall the specifics and so continuing to ask 11 questions about the specifics is really not getting us 12 anywhere. 13 Q. (By Mr. Costea) Mr. Miller, you understand 14 I'm testing your credibility here today? 15 A. I do understand. 16 Q. Okay. So I'm asking, I'm giving you the 17 option to try to answer my questions the best you 18 recall because I'm going to ask you the same questions 19 in front of the jury. And I'm asking you: Give me 20 for a fact, did you or did you not bring in a witness 21 to witness the fact that you allegedly gave this 22 corrective action report to Mr. Hunt on March 24, 23 2009? The answer can be "Yes," "No," "I don't know," 24 or "I don't remember." 25 MS. WHITE: Objection. Form.</p>
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<p>1 Q. So that gives me the impression that you did 2 not meet with Mr. Hunt to discuss this write-up with 3 him? 4 MS. WHITE: Objection. Form. 5 A. No, I would not say that. I would say that 6 he just rejected the whole idea. 7 Q. (By Mr. Costea) Well, you're speculating. 8 I need facts. I need to know what you know, 9 Mr. Miller. 10 A. I do not know. 11 Q. What was his reaction? What did he say? 12 MS. WHITE: Objection. Form. 13 A. I don't recall. 14 Q. (By Mr. Costea) Okay. Witness signature, 15 no one has signed witnessing the fact that you gave 16 this corrective -- that allegedly you gave this 17 corrective action notice to Mr. Hunt, right? 18 A. Nobody signed. 19 Q. Why not? 20 MS. WHITE: Objection form. 21 Q. (By Mr. Costea) Did you ask somebody to 22 come in and witness you giving this corrective action 23 report notice to Mr. Hunt? 24 A. There was no -- apparently nobody there at 25 that time.</p>	<p>1 A. I don't recall. 2 Q. (By Mr. Costea) Fair enough. Is that your 3 signature at the bottom of the page? 4 A. Yes, it is. 5 Q. Did you actually sign your name in that -- 6 next to the manager's signature or did you imprint an 7 electronic signature on the top document? 8 A. That's my actual signature. 9 Q. And did you sign this document in Mr. Hunt's 10 presence? 11 A. I don't recall. 12 Q. Going on to the next page, we have an 13 employee warning notice for Mr. Hunt. Is that your 14 handwriting anywhere on page 331? 15 A. I don't think any of this -- no, it's not my 16 handwriting. 17 Q. Do you recognize the handwriting? 18 A. I don't recognize handwriting. 19 Q. What about the signature of the supervisor? 20 A. There is no signature. 21 Q. It says "Signature of supervisor who issued 22 the warning." Do you see that? 23 A. Yeah, I don't recognize that. 24 Q. Is that Mr. Goff? 25 A. I don't know.</p>

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<p>1 to tell the jury that prior to July the 10th of 2007</p> <p>2 you gave Mr. Garza oral warnings, right?</p> <p>3 MS. WHITE: Objection. Form.</p> <p>4 A. I'm not going to tell you I did but I'm</p> <p>5 saying this is a written one and this was -- to</p> <p>6 explain the form if this was even a second warning or</p> <p>7 a third, the "X" would be marked in the second or the</p> <p>8 third. It wouldn't be three "X's" down there to get</p> <p>9 the -- shown on this form. It shows what form this</p> <p>10 is. There could have been previous warnings and</p> <p>11 previous documents.</p> <p>12 Q. (By Mr. Costea) Let's see what you're</p> <p>13 stating there. Employer's statement. "Disruptive</p> <p>14 behavior. Threats to fellow employee coworker</p> <p>15 Galvan Oswaldo," right?</p> <p>16 A. Yes.</p> <p>17 Q. Give me the facts. What happened, please?</p> <p>18 A. I can only recall the name that there was</p> <p>19 words and some threatening behavior from Jose to</p> <p>20 Mr. Oswaldo and I don't recall but I do recall the</p> <p>21 incident of the two gentlemen that their personalities</p> <p>22 conflict and there was some things and that's all I</p> <p>23 can tell you that I recall.</p> <p>24 Q. Did you give a warning to Mr. Oswaldo as</p> <p>25 well?</p>	<p>1 going to be a problem. You understand that?</p> <p>2 A. No. I can only tell you what I can</p> <p>3 remember.</p> <p>4 Q. So I want to give you the opportunity, if</p> <p>5 you don't recall, you don't recall and we are going to</p> <p>6 close this subject. You don't recall any specific</p> <p>7 threats that Mr. Garza displayed towards Mr. Oswaldo,</p> <p>8 whether it was actions, whether it was words?</p> <p>9 A. I don't recall.</p> <p>10 Q. Now, if I go by this document, it seems that</p> <p>11 Mr. Garza signed it, didn't he?</p> <p>12 A. Yes.</p> <p>13 Q. And it looks like you gave it to him on July</p> <p>14 the 11th, right?</p> <p>15 A. Yes.</p> <p>16 Q. Going on to the next page of that same</p> <p>17 exhibit. You gave Mr. Garza a corrective action</p> <p>18 notice on April the 24th, 2009, correct?</p> <p>19 A. Yes.</p> <p>20 Q. When was the last time that you -- that you</p> <p>21 saw or that you read this corrective action report?</p> <p>22 A. The last time?</p> <p>23 Q. Yes.</p> <p>24 A. I would venture to say it was 4-27-09.</p> <p>25 Q. And that was approximately, what, about a</p>
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<p>1 A. I don't recall.</p> <p>2 Q. And what threats did Mr. Garza convey to</p> <p>3 Mr. Oswaldo?</p> <p>4 A. I don't know. I can't recall exactly if</p> <p>5 I -- it would strictly be speculation. I don't</p> <p>6 recall.</p> <p>7 Q. Well, was it words? Was it actions? Was it</p> <p>8 like taking a hammer?</p> <p>9 MS. WHITE: Objection. Form.</p> <p>10 Q. (By Mr. Costea) Mr. Miller --</p> <p>11 A. I don't recall.</p> <p>12 Q. -- let me be frank with you.</p> <p>13 A. I have 60, 80 employees --</p> <p>14 Q. I understand.</p> <p>15 A. -- and things and this is four or five years</p> <p>16 ago. I just don't recall every detail of every day.</p> <p>17 Q. You understand that I will call you to</p> <p>18 testify in trial?</p> <p>19 A. I understand.</p> <p>20 Q. And you understand that today is my chance</p> <p>21 to know what you know?</p> <p>22 A. Yes.</p> <p>23 Q. And if you are going to change your</p> <p>24 testimony and give a whole bunch of facts in front of</p> <p>25 the jury about the questions I'm asking today it's</p>	<p>1 month or so before you left your employment with the</p> <p>2 company?</p> <p>3 A. Yes.</p> <p>4 Q. Now, you are saying that -- in the</p> <p>5 description of the incident, you say that "On April</p> <p>6 the 13th of 2009 Mr. Garza was alleged to have used</p> <p>7 racial language to a coworker." Who was that</p> <p>8 coworker?</p> <p>9 A. As best I can recall, there was some</p> <p>10 comments made to Mr. Hunt.</p> <p>11 Q. Who told you about those comments?</p> <p>12 A. I don't recall the individual.</p> <p>13 Q. And how do you know it was on April the</p> <p>14 13th, 2009?</p> <p>15 A. The individual that would have reported the</p> <p>16 incident would have told me. This could have been</p> <p>17 most anybody.</p> <p>18 Q. You're saying that this is the second time</p> <p>19 that Jose has been disruptive and harassing his</p> <p>20 coworkers. When was the first time?</p> <p>21 A. Well, the first time would have been on the</p> <p>22 previous page on 7-10-07.</p> <p>23 Q. Of 2007. And you're saying his coworkers in</p> <p>24 the plural and that was Mr. Oswaldo Galvan and the</p> <p>25 second coworker was Mr. Hunt, right?</p>

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<p>1 A. Yes.</p> <p>2 Q. Any other coworkers that Mr. Garza allegedly</p> <p>3 was disruptive or he was harassing?</p> <p>4 A. I don't recall any names or any incidents.</p> <p>5 Q. Now, you indicate on this corrective action</p> <p>6 report that -- well, strike that.</p> <p>7 Somebody indicates on this corrective</p> <p>8 action report that Mr. Garza refused to sign the</p> <p>9 corrective action notice, right?</p> <p>10 A. Yes.</p> <p>11 Q. Is that your handwriting?</p> <p>12 A. The "X"?</p> <p>13 Q. No. Where it says "Employee refused to</p> <p>14 sign," do you see that?</p> <p>15 A. Yes. No, that's not my handwriting.</p> <p>16 Q. Whose handwriting is that?</p> <p>17 A. I don't know.</p> <p>18 Q. And I recognize a witness -- the witness'</p> <p>19 signature is Bill Butler; is that correct?</p> <p>20 A. That is correct.</p> <p>21 Q. So I take it that he witnessed the fact that</p> <p>22 you gave this corrective action document to Mr. Garza;</p> <p>23 is that right?</p> <p>24 A. Yes, he did.</p> <p>25 Q. Do you recall Mr. Garza -- anything that</p>	<p>1 A. Yes.</p> <p>2 Q. So I suppose that the corrective action</p> <p>3 report reflecting the incident on April 24th of 2009</p> <p>4 was actually given to Mr. Garza on the 27th of April</p> <p>5 of 2009, right?</p> <p>6 A. The form was filled out on the 24th, and he</p> <p>7 was brought in and -- on the 27th.</p> <p>8 Q. Fair enough. So as of the 27th of April of</p> <p>9 2009, Mr. Garza you're saying had not yet complained</p> <p>10 to you about Mr. Hunt poking him with something?</p> <p>11 A. No, I'm not saying that.</p> <p>12 Q. Well, I'm trying to figure out --</p> <p>13 A. I don't know when he did. I don't recall</p> <p>14 the date. I remember the incident.</p> <p>15 Q. You recall the incident because you</p> <p>16 witnessed it yourself?</p> <p>17 A. No.</p> <p>18 Q. Somebody told you about it?</p> <p>19 A. There was a complaint. Now, whether Jose --</p> <p>20 I don't even recall whether Jose -- I'm sure Jose</p> <p>21 filed the complaint or reported the incident.</p> <p>22 Q. Well, I'm trying to make sure I understand</p> <p>23 what the testimony is and I apologize -- at least I am</p> <p>24 confused. I asked you whether or not Mr. Garza</p> <p>25 himself complained to you about Mr. Hunt. And you</p>
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<p>1 Mr. Garza said back to you when you gave him this</p> <p>2 corrective action report? "I disagree" or, you know,</p> <p>3 "This is bologna," anything along those lines?</p> <p>4 A. I don't recall what he said.</p> <p>5 Q. Fair enough. Did he make any comments back</p> <p>6 to you about Mr. Hunt?</p> <p>7 A. I don't recall.</p> <p>8 Q. Did he make any complaints about Mr. Hunt?</p> <p>9 A. Did he?</p> <p>10 Q. Yes.</p> <p>11 A. Yeah. I recall that he made a complaint</p> <p>12 about Mr. Hunt one time about his sexual harassment.</p> <p>13 He poked him with a stick or something in them or</p> <p>14 poked him -- not with a stick but I remember poking</p> <p>15 him with something.</p> <p>16 Q. Now, is that something that Mr. Garza told</p> <p>17 you on the 27th of April?</p> <p>18 A. Is the what?</p> <p>19 Q. Is that something that Mr. Garza told you on</p> <p>20 April the 27th?</p> <p>21 A. No, I -- no, I don't think that was the</p> <p>22 date.</p> <p>23 Q. Now, I see that -- I see that your</p> <p>24 signature -- the dates corresponding to your signature</p> <p>25 is 4-27-2009, right?</p>	<p>1 said that he did complain about Mr. Hunt poking him</p> <p>2 with a stick.</p> <p>3 A. Well, let me rephrase. Not a stick. I</p> <p>4 remember him saying that he was poked in the buttocks</p> <p>5 area.</p> <p>6 Q. With what? With a hand, with a finger, with</p> <p>7 a tool?</p> <p>8 A. I don't recall and a little explanation I</p> <p>9 guess --</p> <p>10 Q. That's fine. Go ahead.</p> <p>11 A. -- if I may. If Jose is working with</p> <p>12 Mr. Hunt, when there's two different groups. So it's</p> <p>13 an instance where they've been brought together to</p> <p>14 work due to the workload for some reason, either to</p> <p>15 expedite a delivery of a particular object or lack of</p> <p>16 work in a different group. They normally didn't work</p> <p>17 together but on the draw works, a draw works is some</p> <p>18 10 or 12 foot wide 25 or 30 foot long and you could</p> <p>19 have as many as six, eight guys or even ten possibly</p> <p>20 working on this draw works if you're trying to</p> <p>21 expedite delivery and you have pipe, you have pieces</p> <p>22 and different things and tools, and it wouldn't be</p> <p>23 uncommon for you to be bent over doing something, me</p> <p>24 over here, me turn around and poke. So, you know, the</p> <p>25 only deal is that there is an incident, I investigated</p>

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<p>1 the incident, and found that it was the fact that it 2 was poked. Now, I can't recall all the details; but I 3 do recall this incident. 4 Q. And I appreciate the explanation and I think 5 it's going to take us in the right direction but I'm 6 trying to figure out: Did you first find out about 7 this incident from Mr. Garza himself. 8 A. I would -- I'm only speculating; but I'm 9 sure that he is the individual, I would think, that 10 would report the incident. 11 Q. To you? 12 A. Yes. 13 Q. Now, did he -- 14 A. He would either -- let me back up here 15 because the company, NOV, put in computers on the 16 floor and I don't recall exactly what year, whether 17 that was 2008 but I know it was not -- shortly before 18 I left. There was computers on the floor in the 19 building. They were accessible to anybody to go 20 online and file a complaint against anybody for 21 anything. And he could have used that form and I 22 could be taking actions based on this information 23 or -- I don't recall who informed me of the incident. 24 Q. Fair enough. 25 A. So there's multiple ways this could have</p>	<p>1 MS. WHITE: Objection. Form. 2 Q. (By Mr. Costea) No problem. Now, if you 3 don't mind going back to -- grab Exhibit No. 1 and go 4 to page 330. Now, we are looking at the corrective 5 action report that you gave to Mr. Hunt on the month 6 before on March 24th. Now, was it the poking 7 incident -- and I'm not saying this to you to change 8 your testimony, I'm just trying to jog your memory. 9 Was it the poking incident that caused you to give 10 Mr. Hunt the corrective action report where you talk 11 about horseplay and inappropriate behavior? 12 MS. WHITE: Objection. Form. 13 A. No. I don't recall. 14 Q. (By Mr. Costea) It was something 15 different. 16 A. I just don't recall what this incident was. 17 Q. No problem. So after the -- I'm going to 18 refer to this as the poking incident that you 19 described to me. So after the poking incident was 20 brought up to your attention, I think you said that 21 you investigated it? 22 A. Yes. 23 Q. And was it substantiated? 24 A. I would say, yes, that to explain it could 25 be any -- any of the people working on the draw</p>
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<p>1 been brought to my attention. 2 Q. Could have been conveyed to you. Fair 3 enough. 4 A. Yes. 5 Q. Then let me ask you the next follow-up 6 question: As of April 24th of 2009, had you already 7 been aware of this allegation from Mr. Garza? 8 A. I would say yes. 9 Q. As of April the 13th of 2009, have you 10 already been aware of that allegation? 11 MS. WHITE: Objection. Form. 12 A. Of April the 13th? I don't know the 13 significance of that date. 14 Q. (By Mr. Costea) You're saying that on April 15 the 13th Garza was alleged to have used racial 16 language. 17 A. Oh, excuse me. I think I recall that it was 18 maybe at the same time that there were some words 19 exchanged between these two gentlemen that that might 20 be the incident for at the same time of the poking or 21 whatever that there was words exchanged. 22 Q. I see. So your understanding is that when 23 Mr. Garza was poked Mr. Garza responded with racial 24 comments? 25 A. Yes.</p>	<p>1 works. In our investigation we would look for 2 witness, people to witness and/or even the individual 3 himself but I don't recall the details now. 4 Q. And upon the incident being substantiated, 5 did you recommend that Mr. Hunt be disciplined, 6 reprimanded? 7 A. I don't recall. 8 Q. Now, was your investigation completed by 9 April 24th, 2009? 10 A. Yes. 11 Q. Whom did you speak with to investigate the 12 poking incident? 13 A. I don't recall. It's strictly speculation, 14 but the first action would be the group leader to see 15 if they were aware of the incident and any individuals 16 that might have been working in the area. 17 Q. And who was the group leader? 18 A. William Goff was the group leader over the 19 draw works. 20 Q. Is the name Rudy Lopez familiar to you? 21 A. Rudy Lopez, yes, I recall the name. 22 Q. Do you recall what his job position was in 23 2009? 24 A. I'm trying to recall. I'm trying to 25 visualize the guy. Whether Rudy is in the draw works,</p>

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<p>1 I don't recall. I don't recall where he was. I 2 visually don't see the gentleman. The name I know. 3 Q. As of -- going back to exhibit -- page 2 of 4 Exhibit No. 3, I think it's that one that you have in 5 front of you. As of April 27 -- 6 A. Which page? 7 Q. Page 2. 8 A. 146? 9 Q. Yes, sir. As of April 27, 2009, have you 10 informed Mr. Butler about the complaint from 11 Mr. Garza -- well, about the poking incident? 12 A. I would say that I had spoken to Mr. Butler 13 prior to the 27th or of the 27th of the -- and it 14 could have even -- I'm speculating now. I don't 15 recall whether he was -- I would have probably used 16 his expertise in the investigation, but I can't recall 17 it. 18 Q. That's fine. It's probably best not to 19 speculate if you don't know. 20 A. I just don't know. 21 Q. No problem. Now -- 22 A. I know that I talked to Bill and brought him 23 in to witness this. Now, whether that was on the 27th 24 or whether it was the day before but I know that at 25 some point I told Bill of what we had, gave him the</p>	<p>1 Q. (By Mr. Costea) Do you see that box being 2 checked? 3 A. Let me read the document here a minute. 4 Q. Absolutely. Go ahead, please. 5 A. After reading this, I recall several of 6 these incidents. 7 Q. Did you -- 8 A. I forget your question. 9 Q. I'm sorry, sir? 10 A. What was your question? 11 Q. Yes, sir. Let me see if I can put this in 12 context. The corrective action report which appears 13 in Exhibit No. 3 and it's Bates stamped 147 at the 14 bottom of the page, did you fill out this form 15 yourself? 16 A. I don't recall whether I filled this one out 17 or whether it was filled out by somebody else. 18 Q. Now, look at the witness signature at the 19 bottom of that page. It says Meredith Black, right? 20 A. Yes. 21 Q. Is that person familiar to you, known to 22 you? 23 A. Yes. 24 Q. Was she employed with NOV back in May of 25 2009?</p>
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<p>1 facts, and anything -- when I look and see this form 2 as being a termination form, that's pretty extreme and 3 I would have had Bill for counseling and all before I 4 did anything. So there was discussion between he and 5 I. 6 Q. Now, did you speak with Mr. Hunt himself 7 about the poking incident? 8 A. Yes. 9 Q. Did he acknowledge, did he admit? 10 A. I don't recall. 11 Q. You don't recall anything he said in 12 response? 13 A. No. I'm sorry. 14 Q. Going on to the next page of that same 15 document of that same exhibit, we have another 16 corrective action notice that was given to Mr. Garza, 17 this one on May the 1st of 2009, right? 18 A. Yes. 19 Q. And this document reflects a date of 20 incident of May the 1st of 2009, right? 21 A. Yes. 22 Q. And then the type of warning or action taken 23 against Mr. Garza was a suspension/final warning, 24 right? 25 MS. WHITE: Objection. Form.</p>	<p>1 A. Yes. 2 Q. What was her job? 3 A. She was HR with corporate. 4 Q. Meaning she was not HR at FM 529? 5 A. Correct. 6 Q. And I suppose that she was present when 7 you -- when this corrective action report was given to 8 Mr. Garza, correct? 9 A. Yes. 10 Q. Do you know why she was physically present 11 at the 529 location when this document was given to 12 Mr. Garza? 13 A. The severity of the corrective action I 14 would have involved all the expertise I could get. 15 Q. Did you suggest that Mr. Garza be suspended? 16 A. I don't recall that I did. 17 Q. And so you cannot tell me whether or not 18 somebody else came up with the suggestion that he be 19 suspended, right? 20 A. I cannot. 21 Q. In the body of the corrective action report 22 under "Description of incident," there's an allegation 23 that "After further investigation, your allegation of 24 sexual assault has not been substantiated." Now, that 25 portion of that document, did you write those</p>

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<p>1 sentences or somebody else wrote the sentences?</p> <p>2 A. I don't recall.</p> <p>3 Q. Now, when Mr. Garza was brought in to be</p> <p>4 given this corrective action document, other than</p> <p>5 yourself and Ms. Black and Mr. Garza, was anybody else</p> <p>6 present?</p> <p>7 A. I don't recall.</p> <p>8 Q. And according to this document, Mr. Garza</p> <p>9 refused to sign it, right?</p> <p>10 A. Yes.</p> <p>11 Q. Did you tell Ms. Black that you investigated</p> <p>12 the poking incident and it was substantiated?</p> <p>13 MS. WHITE: Objection. Form.</p> <p>14 A. I don't recall that I told her that. I</p> <p>15 don't recall.</p> <p>16 Q. (By Mr. Costea) Now, the first sentence</p> <p>17 under "Description of incident" talks about an</p> <p>18 allegation of sexual assault, right?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know whether or not this is different</p> <p>21 from the poking incident that you and I talked about</p> <p>22 earlier today or is it the same thing?</p> <p>23 A. I only recall one incident.</p> <p>24 Q. The poking?</p> <p>25 A. Poking.</p>	<p>1 but I don't -- there's certain requirements that are</p> <p>2 corporate and then I had some things that I would</p> <p>3 keep. You know, if I talked to you today about some</p> <p>4 of your actions, I might write a note, drop it in your</p> <p>5 file so that when it comes up again, you know, I've</p> <p>6 talked to you before about this. It's got to stop and</p> <p>7 then that may become a written deal.</p> <p>8 Q. Fair enough.</p> <p>9 A. I mean, it was a tool. It was designed to</p> <p>10 help the individuals.</p> <p>11 Q. Sure. And where did you keep those</p> <p>12 folders? In your office?</p> <p>13 A. Yes.</p> <p>14 Q. And you left them behind when you left?</p> <p>15 A. Yes.</p> <p>16 Q. Can you give us some details about the</p> <p>17 folders like, I don't know, like a file cabinet?</p> <p>18 A. It would have been in a file cabinet,</p> <p>19 employees' names, and the folders and I can tell you</p> <p>20 that I did tell Jack that "Here's the personnel</p> <p>21 files. You can do with them as you please. They're</p> <p>22 my files."</p> <p>23 Q. You said Jack Landis?</p> <p>24 A. Yes.</p> <p>25 Q. So when you left and he took over, you</p>
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<p>1 Q. Because of the way this document is phrased,</p> <p>2 I apologize but I have to ask you follow-up</p> <p>3 questions. Did Mr. Garza other than the poking</p> <p>4 incident complain to you about Mr. Hunt quote</p> <p>5 "sexually assaulting him"?</p> <p>6 A. I want to think there was some words, but I</p> <p>7 don't recall. It wasn't just a poke. I think there</p> <p>8 was some words, but I don't recall.</p> <p>9 Q. Now, did you yourself create any memos, any</p> <p>10 documents concerning your investigation and what you</p> <p>11 were told about the poking incident like?</p> <p>12 A. I would think that I had some form of</p> <p>13 written -- of my documents to support this action but</p> <p>14 I don't recall that I do. I just think that I would</p> <p>15 have done so.</p> <p>16 Q. Like a memo, a report of investigation?</p> <p>17 A. Yeah, investigation, individuals, and things</p> <p>18 of that nature. I mean, I had my personal files that</p> <p>19 I kept that was not always necessarily for everybody</p> <p>20 else.</p> <p>21 Q. What do you mean personal files? On</p> <p>22 workers?</p> <p>23 A. Yeah. It's just like if I -- when I wanted</p> <p>24 to refer to give somebody an increase, I might put</p> <p>25 things in the note at times and things that people do</p>	<p>1 showed him where you kept these folders that you kept</p> <p>2 on employees?</p> <p>3 A. Yes.</p> <p>4 Q. And said "Here they are"?</p> <p>5 A. I did not destroy them.</p> <p>6 Q. What did Mr. Landis say in response?</p> <p>7 A. I don't recall his comments.</p> <p>8 Q. Do you have a distant recollection that you</p> <p>9 created or kept a folder on Mr. Garza?</p> <p>10 A. I had a folder on all employees.</p> <p>11 Q. On all of them?</p> <p>12 A. Yes.</p> <p>13 Q. And we appreciate your testimony. You're</p> <p>14 trying to lay hands on just about everything that was</p> <p>15 created during this period of time about incidents, so</p> <p>16 on and so forth. So we appreciate that.</p> <p>17 There's an allegation on the same page</p> <p>18 the last sentence says that "Kicking chairs in the</p> <p>19 lunchroom, further acts of aggression, or any other</p> <p>20 inappropriate acts or comments made in jest will lead</p> <p>21 to your immediate termination." Did anyone bring up</p> <p>22 to your attention the fact that Mr. Garza was alleged</p> <p>23 to have kicked chairs in the lunchroom?</p> <p>24 A. Yes.</p> <p>25 Q. Did you actually see him kick chairs in the</p>

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<p>1 lunchroom?</p> <p>2 A. I did not see.</p> <p>3 Q. How large was the lunchroom?</p> <p>4 A. Had multiple lunch rooms. As best I recall,</p> <p>5 this was a small room that was approximately two</p> <p>6 thirds the width of this office here maybe that he</p> <p>7 would take his lunch break.</p> <p>8 Q. With other coworkers?</p> <p>9 A. With other workers.</p> <p>10 Q. The same sentence talks about acts of</p> <p>11 aggression. Are you aware of any acts of aggression</p> <p>12 by Mr. Garza?</p> <p>13 A. Yes.</p> <p>14 Q. Go ahead.</p> <p>15 A. What I term aggression was that it wasn't</p> <p>16 uncommon for him to make comments to individuals</p> <p>17 about, you know, "I can get you fired or this or that</p> <p>18 if you don't leave me alone or give me the tool" or,</p> <p>19 you know, just whatever the case was he would often</p> <p>20 make comments to people.</p> <p>21 Q. Yeah, off the wall comments I understand but</p> <p>22 I'm talking about acts of aggression meaning</p> <p>23 physically aggressive or threatening somebody with, I</p> <p>24 don't know, a tool, a knife, a stick.</p> <p>25 MS. WHITE: Objection. Form.</p>	<p>1 A. I wouldn't say friends. I think Richard</p> <p>2 respected him as an employee and if he was walking</p> <p>3 through the shop and somebody wanted to talk about the</p> <p>4 projects or something, he would stop. Richard was a</p> <p>5 hands on type individual with what was going on on the</p> <p>6 production floor and it wasn't uncommon for him to</p> <p>7 walk over to an individual and say "How is your</p> <p>8 project going? You've got any problems or anything</p> <p>9 else?" He's just doing diligence.</p> <p>10 Q. How do you know that Mr. Urquhart respected</p> <p>11 Mr. Garza?</p> <p>12 A. How do I know that he respected --</p> <p>13 Q. Respected Mr. Garza?</p> <p>14 A. When you say that, I guess only thing I'm</p> <p>15 thinking is he respected him as an employee doing his</p> <p>16 job but I had conversation with Richard myself about</p> <p>17 these comments that he was using him as a threat to</p> <p>18 individuals and Richard told me that he would go talk</p> <p>19 to him himself.</p> <p>20 Q. Now, Mr. Urquhart I understand was replaced</p> <p>21 by -- no, I'm sorry, Mr. Urquhart was still there when</p> <p>22 you left in the summer or May of 2009, right?</p> <p>23 A. Yes, he was there; but he was due to leave</p> <p>24 shortly.</p> <p>25 Q. Same deal, retirement?</p>
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<p>1 Q. (By Mr. Costea) That's what I'm looking</p> <p>2 for.</p> <p>3 A. I don't know that I can recall anyone</p> <p>4 telling me that he's picked up a tool or anything that</p> <p>5 you're asking about.</p> <p>6 Q. And do you know whether or not when he would</p> <p>7 tell employees "I'm going to get you fired" whether or</p> <p>8 not he made that comment, you know, jokingly?</p> <p>9 A. I know he made the comment, and I don't</p> <p>10 think he was joking because he was known to stop</p> <p>11 Richard almost any time he came through the plant and</p> <p>12 like he was to represent that he was buddy buddy.</p> <p>13 Q. Like Richard Urquhart?</p> <p>14 A. Yes.</p> <p>15 Q. Did Mr. Garza convey to you that other</p> <p>16 employees were doing the same thing to him like</p> <p>17 telling him "Hey, I'm going to get you fired" or that</p> <p>18 "Hey, I'm going to get you fired" was a common</p> <p>19 comment that employees made in the work place?</p> <p>20 A. No. The only ones that I can recall that it</p> <p>21 came from him that he was the one that utilized that</p> <p>22 statement.</p> <p>23 Q. Was he --</p> <p>24 A. That I'm aware of.</p> <p>25 Q. Was he and Mr. Urquhart, were they friends?</p>	<p>1 A. No. I don't -- I don't know. I don't know</p> <p>2 his deal.</p> <p>3 Q. No problem. I think that's all I have about</p> <p>4 that document.</p> <p>5 (Exhibit No. 4 marked.)</p> <p>6 Q. (By Mr. Costea) We are looking at a</p> <p>7 document -- Exhibit No. 4, a document which by looking</p> <p>8 at it it seems it's a performance evaluation on</p> <p>9 Mr. Garza with a date of July 28th of 2005, right?</p> <p>10 A. Yes.</p> <p>11 Q. And the evaluator that's identified in this</p> <p>12 document is Bill Butler, right?</p> <p>13 A. Yes.</p> <p>14 Q. Now, I see that -- well, strike that.</p> <p>15 Do you recall this form being in use to</p> <p>16 review performance evaluations at NOV back in 2005?</p> <p>17 A. I don't recall this form.</p> <p>18 Q. You don't. Okay. Did you do evaluations on</p> <p>19 your employees, performance evaluations?</p> <p>20 A. Yes.</p> <p>21 Q. And you don't recall having seen a form such</p> <p>22 as this one?</p> <p>23 A. This -- no, I don't recall seeing this one</p> <p>24 for the form that I filled out. I don't recall, but I</p> <p>25 don't remember.</p>

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<p>1 Q. No problem.</p> <p>2 A. I don't know that I didn't.</p> <p>3 (Exhibit No. 5 marked.)</p> <p>4 Q. (By Mr. Costea) We are looking at another</p> <p>5 performance evaluation on Mr. --</p> <p>6 A. Now I see the top of it. I can't say I've</p> <p>7 seen the form, but I know what it is now.</p> <p>8 Q. Tell me, please.</p> <p>9 A. Mr. Butler conducted forklift training</p> <p>10 classes and evaluated the people in order to give them</p> <p>11 a license to operate the forklifts.</p> <p>12 Q. Oh, I see.</p> <p>13 A. I never did qualify as a forklift.</p> <p>14 Q. It's not a performance evaluation?</p> <p>15 A. No. It's for a license to operate the</p> <p>16 forklift.</p> <p>17 Q. Thank you very much for pointing that out to</p> <p>18 me. I will pass that -- I mean I will put that to the</p> <p>19 side.</p> <p>20 (Exhibit No. 6 marked.)</p> <p>21 Q. (By Mr. Costea) We are now looking at</p> <p>22 Exhibit No. 6, and it seems to me that Exhibit No. 6</p> <p>23 is a performance evaluation. Am I right or wrong</p> <p>24 about that?</p> <p>25 A. It's a performance evaluation.</p>	<p>1 individuals because they knew best how they performed.</p> <p>2 Q. Okay.</p> <p>3 (Exhibit No. 7 marked.)</p> <p>4 Q. (By Mr. Costea) Mr. Miller, I have a copy</p> <p>5 of your business card in Exhibit No. 7 given to me by</p> <p>6 defense counsel and you're identified in that business</p> <p>7 card as manufacturing manager, right?</p> <p>8 A. Yes.</p> <p>9 Q. Was that your official job title? Is there</p> <p>10 a difference between --</p> <p>11 A. Well, let me explain.</p> <p>12 Q. Yes. Go ahead.</p> <p>13 A. I believe corporate carried it as a</p> <p>14 production manager. I worked at multiple plants and</p> <p>15 the cards in those facilities, it was considered</p> <p>16 manufacturing manager, different ones and I think this</p> <p>17 is a card but I want to believe that their records may</p> <p>18 reflect production manager but I don't know exactly</p> <p>19 what was in their files.</p> <p>20 (Exhibit No. 8 marked.)</p> <p>21 Q. (By Mr. Costea) We are looking at Exhibit</p> <p>22 No. 8. It's a safety meeting and training report, the</p> <p>23 first page February 12, 2008. This document is signed</p> <p>24 by a Brenda Waters. Is that name familiar to you?</p> <p>25 A. Yes.</p>
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<p>1 Q. Does this document help you remember whether</p> <p>2 or not you did it?</p> <p>3 A. To remember whether I did this one?</p> <p>4 Q. Yes.</p> <p>5 A. I don't recall that I did because group</p> <p>6 leaders were required to fill out for their</p> <p>7 individuals -- for their employees.</p> <p>8 Q. On page 1 do you recognize the handwriting</p> <p>9 at the top where it says "Department draw works</p> <p>10 assembly cell"?</p> <p>11 A. Do I recognize who wrote it?</p> <p>12 Q. The handwriting.</p> <p>13 A. I don't recognize the handwriting.</p> <p>14 Q. What about the name Jose Garza, that's not</p> <p>15 your handwriting either?</p> <p>16 A. No, not mine.</p> <p>17 Q. Do you recall having done any performance</p> <p>18 evaluations on Mr. Garza?</p> <p>19 A. I don't recall whether I did. I think this</p> <p>20 form was implemented toward the end of my employment</p> <p>21 and prior to that as you saw earlier the notes, emails</p> <p>22 that I would do was the form of evaluations and</p> <p>23 progressive deals. I don't recall exactly how long</p> <p>24 this form was used but each supervisor -- when I say</p> <p>25 supervisor, group leaders were to evaluate their</p>	<p>1 Q. Do you recall what her job position was with</p> <p>2 NOV back in February of 2007?</p> <p>3 A. She was assistant to Mr. Butler.</p> <p>4 Q. Next page, please. We have a training</p> <p>5 report of August 20th, 2007 on work place violence.</p> <p>6 The trainer's name is identified as Joel Cantu. Is</p> <p>7 that name familiar to you?</p> <p>8 A. Yes. Joe came in after Brenda as one of</p> <p>9 Mr. Butler's assistants.</p> <p>10 Q. Mr. Miller, that's all I have. I'm done</p> <p>11 with my documents. I don't think I have anymore</p> <p>12 questions for you. I want to thank you very much for</p> <p>13 being here today unless she's got questions for you.</p> <p>14 MS. WHITE: I don't have any</p> <p>15 questions. Defense doesn't have any questions at this</p> <p>16 time.</p> <p>17 MR. COSTEA: Mr. Miller, again, thank</p> <p>18 you. Pass the witness.</p> <p>19 THE WITNESS: Glad to assist.</p> <p>20 (Deposition concluded at 11:40 a.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

18 (Pages 66 to 69)

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WITNESS' CHANGE/CORRECTION PAGE
DEPOSITION OF BOB MILLER
TAKEN OCTOBER 31, 2013
PAGE/LINE CHANGE REASON

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COUNTY OF HARRIS)
STATE OF TEXAS)
REPORTER'S CERTIFICATE
I, LANA SHOLDERS, Certified Shorthand Reporter in and
for the state of Texas, hereby certify that this
transcript is a true record of the testimony given by
the witness named herein, after said witness was duly
sworn by me.

I further certify that I am neither attorney nor
counsel for, related to, nor employed by any of the
parties to the action in which this testimony was
taken. Further, I am not a relative or employee of
any attorney of record in this cause, nor do I have a
financial interest in the action.

Certified to by me this the 15th day of November,
2013.

Lana Sholders



LANA SHOLDERS, Texas C
Expiration Date: 12-31-14
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WITNESS' SIGNATURE PAGE
DEPOSITION OF BOB MILLER
TAKEN OCTOBER 31, 2013

I, BOB MILLER, have read the foregoing deposition
and hereby affix my signature that same is true and
correct, except as noted above.

BOB MILLER
THE STATE OF _____
COUNTY OF _____

Before me, _____, on this day personally
appeared BOB MILLER, known to me (or proved to me
under oath or through _____) (description of
identity card or other document) to be the person
whose name is subscribed to the foregoing instrument
and acknowledged to me that they executed the same for
purposes and consideration therein expressed.

Given under my hand and seal of office on this _____
day of _____, _____.

NOTARY PUBLIC IN AND FOR
THE STATE OF _____

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